

**IN THE HIGH COURT OF JUDICATURE,
ANDHRA PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.25139 of 1997

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Dated: January 24, 2007
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Between:

Relli Pollayya, S/o. Rammanna, aged 55 years,
R/o. H.No. 10-148/A, Iragavaram, West Godavari
District, and others.

... Petitioners

And

The Assistant Engineer, R&B., Tanuku,
West Godavari District, and others.

... Respondents

Order:

This Writ Petition has been filed seeking Mandamus to direct the respondents not to demolish the premises or compound wall of petitioners in H.Nos.10-148/A and 10-146/A, 8-6/2, 8-10, 5-92 and 10134 respectively at D.L.K. Road, Iragavaram, West Godavari District.

2. In the affidavit filed in support of the Writ Petition, it is stated that petitioners are owners and possessors of the

aforesaid houses, having constructed the same after obtaining necessary sanction from the authorities concerned. Their grievance is that respondents are taking steps to demolish their structures for the purpose of road widening, without following due process of law. At that stage, they approached this court.

3. This court, while admitting the Writ Petition, by order dated 29-09-1997, directed the respondents not to demolish the structures of petitioners.

4. Though the Writ Petition is of the year 1997, no counter affidavit has been filed till date. The interim direction granted by this court has been continuing all along since then.

5. The case of the petitioners is that they have constructed houses in their own land. Even assuming that any portion of their property is required for any public purpose, they cannot be deprived of their property without due process of law being followed. If any private property of an individual is required for public purpose, either his consent has to be taken or steps have to be taken as per the provisions of the Land Acquisition Act.

6. In the circumstances, I dispose of the Writ Petition directing the respondents not to deprive the petitioners of their land without following due process of law. No costs.

JUSTICE R. SUBHASH REDDY.

January 24, 2007
MRR